

## INITIATIVE 254

I, Sam Reed, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 254 to the Legislature is a true and correct copy as it was received by this office.

1       AN ACT Relating to labeling of genetically engineered food; and  
2       adding a new chapter to Title 69 RCW.

3       BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

4       NEW SECTION.   **Sec. 1.** The people of the state of Washington hereby  
5       find and declare that the process of genetically engineering foods  
6       results in the material change of such foods. The United States  
7       Congress has previously required that all foods bear labels that reveal  
8       material facts to consumers. Federal agencies have failed to uphold  
9       congressional intent by allowing genetically engineered foods to be  
10      marketed, sold, and otherwise used without labeling that reveals  
11      material facts to the public.

12      Consumers desire to know whether the food they purchase and consume  
13      contains or was produced with a genetically engineered material for a  
14      variety of reasons, including the potential transfer of toxins,  
15      carcinogens, and other hazardous substances into food, other health  
16      risks, concerns about potential environmental risks associated with the  
17      genetic engineering of crops, and religiously and ethically based  
18      dietary restrictions.

1 Consumers have a right to know whether the food they purchase or  
2 consume contains or was produced with genetically engineered material.

3 Reasonably available technology permits the detection in food of  
4 genetically engineered material, generally acknowledged to be as low as  
5 one-tenth of one percent.

6 NEW SECTION. **Sec. 2.** As used in this chapter:

7 (1) "Agricultural inputs" means all substances or materials used in  
8 the production or handling of agricultural products.

9 (2) "Agricultural product" means any agricultural commodity or  
10 product, whether raw or processed, including any commodity or product  
11 derived from livestock, that is marketed in the state of Washington for  
12 human or livestock consumption.

13 (3) "Bulk" means the presentation to consumers at retail sale of an  
14 agricultural product in unpackaged loose form, enabling the consumer to  
15 determine the individual pieces, amount, or volume of the product  
16 purchased.

17 (4) "Food" means any raw, cooked, or processed edible substance,  
18 ice, beverage, chewing gum, or food additive, component, or ingredient  
19 used or intended for use or for sale in whole or in part for  
20 consumption by humans or other animals.

21 (5) "Food additive" means any substance, the intended use of which  
22 results or may be reasonably expected to result, directly or  
23 indirectly, in its becoming a component or otherwise affecting the  
24 characteristics of any food including any substance intended for use in  
25 producing, manufacturing, packing, processing, preparing, treating,  
26 packaging, transporting, or holding food and including any source of  
27 radiation intended for any such use.

28 (6) "Genetically engineered food" means:

29 (a) All foods which are, contain, or are produced from or are  
30 derived in whole or in part from any genetically modified  
31 microorganism, organism, plant, or livestock, if that genetically  
32 modified material accounts for at least one-tenth of one percent or  
33 more of the weight of any ingredient or component of the product, but  
34 not otherwise;

35 (b) All food products prepared or processed using genetically  
36 modified enzymes or other genetically modified processing agents,  
37 whether those enzymes or agents are present in the final product or  
38 not;

1 (c) All foods derived from agricultural products cultivated using  
2 genetically modified agricultural inputs, whether those inputs are  
3 present in the final product or not; or

4 (d) All dairy and meat products derived from livestock that have  
5 been fed genetically modified material or derived from livestock that  
6 have been treated with genetically modified hormones or drugs.

7 (7) "Genetically engineered material" means material derived from  
8 any part of a genetically modified organism.

9 (8) "Genetically engineered organism" means:

10 (a) An organism that has been modified at the molecular or cellular  
11 level by one or more methods that are not possible under natural  
12 conditions or processes. Such methods include cell fusion, micro-  
13 encapsulation and macro-encapsulation, and recombinant DNA technology  
14 (including gene deletion, gene doubling, introducing a foreign gene,  
15 and changing the positions of genes, when achieved by recombinant DNA  
16 technology). Such methods do not include the use of traditional  
17 breeding, conjugation, fermentation, hybridization, in-vitro  
18 fertilization, tissue culture, or artificial interbreeding in plants,  
19 animals, or humans; or

20 (b) An organism made through sexual or asexual reproduction, or  
21 both, involving an organism described in (a) of this subsection.

22 (9) "Ingredient" means any substance used in the preparation of an  
23 agricultural product that is still present in the final commercial  
24 product as consumed.

25 (10) "Label" means a display of written, printed, or graphic  
26 material on the immediate container of an agricultural product or any  
27 such material affixed to any agricultural product or affixed to a bulk  
28 container containing an agricultural product, except for package liners  
29 or a display of written, printed, or graphic material which contains  
30 only information about the weight of the product.

31 (11) "Labeling" means all written, printed, or graphic material  
32 accompanying an agricultural product at any time or written, printed,  
33 or graphic material about the agricultural product displayed at retail  
34 stores about the product.

35 (12) "Person" means a natural person, partnership, association,  
36 company, corporation, or other legal entity or a manager, agent,  
37 servant, officer, or employee of any of them.

(13) "Principal display panel" means that part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for sale.

(14) "Transgene" means a foreign gene from an unrelated organism, such as a virus, animal, or other plant.

NEW SECTION. **Sec. 3.** All foods which contain a genetically engineered material, or were produced with a genetically engineered material, that are sold or distributed in or from the state of Washington shall bear labels in accordance with the following:

(1) Labels with information as follows: (a) "Genetically engineered" and (b) "NOTICE: This product contains a genetically engineered material, or was produced with a genetically engineered material."

(2) The information required in subsection (1)(a) of this section immediately precedes the information required in subsection (1)(b) of this section and shall not be less than twice the size of the information required in subsection (1)(b) of this section.

(3) The information required in subsection (1)(a) and (b) of this section shall be clearly legible and conspicuous on the principal display panel.

NEW SECTION. **Sec. 4.** (1) All genetically engineered foods that are measurably altered in composition or nutritional value, or that require preparation steps different from their natural counterparts, shall, in addition to being labeled "genetically engineered," be labeled to specify those changes in properties.

(2) All genetically engineered foods resulting from trans-species gene transfers shall specify, in the label, the source of the transgene used and the purpose of the transfer as, for example "This squash contains viral genetic information designed to make it resistant to viral infection."

(3) All genetically engineered foods resulting from transfer of animal genes into plants shall be labeled to so indicate in a manner that will allow vegetarians and those with dietary restrictions to observe their dietary guideline as, for example, "This tomato contains genetic material derived from the flounder, a fish of the family Bothididae."

1        NEW SECTION.    **Sec. 5.**    The labeling provisions of this chapter do  
2 not apply to food:

3        (1) Served in restaurants or other establishments in which food is  
4 served for immediate human consumption; or

5        (2) Processed and prepared primarily in a retail establishment,  
6 ready for human consumption, and offered for sale to consumers but not  
7 for immediate consumption in such establishment and not offered for  
8 sale outside such establishment.

9        NEW SECTION.    **Sec. 6.**    By the effective date of this act, the  
10 Washington state legislature shall prescribe and enact measures to  
11 fund, implement, and enforce this chapter.

12        NEW SECTION.    **Sec. 7.**    No person shall be liable for noncompliance  
13 with this chapter if such person sustains the burden of proof that such  
14 person did not know the food sold or distributed contained, or was  
15 processed with, genetically engineered material without being labeled  
16 as required in this chapter, and that such person made a reasonable  
17 investigation to determine the presence of genetically engineered  
18 material.

19        NEW SECTION.    **Sec. 8.**    Should any one or more provisions of this  
20 chapter be determined to be illegal or unconstitutional, all other  
21 provisions nevertheless shall remain effective.

22        NEW SECTION.    **Sec. 9.**    Sections 1 through 8 of this act constitute  
23 a new chapter in Title 69 RCW.

--- END ---